

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION**

In re:

JAMES K. LINDSEY,

Debtor.

Bankruptcy Case No. 3:15-bk-1645-JAF, Ch. 13  
Adversary Case No. 3:18-AP-43-JAF

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JAMES K. LINDSEY, Debtor, and  
KRACOR SOUTH, INC., a Florida corporation.

Defendants/Appellants,

v.

Case No. 3:19-cv-1395-J-32

DUCKWORTH DEVELOPMENT, II, LLC,

Plaintiff/Appellee.

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**ORDER**

This bankruptcy appeal is before the Court following the timely appeal by appellants James K. Lindsey and Kracor South, Inc., of the United States Bankruptcy Court's October 23, 2019 Final Judgment in an adversary proceeding, and its November 22, 2019 Order denying the defendants/appellants' motion for rehearing and for new trial, and denying defendants/appellants' motion to dismiss for lack of jurisdiction and for plaintiff/appellee's lack of standing. The parties filed briefs in support of their respective positions. Docs. 4 & 7.

The Court is sitting in an appellate capacity. It therefore reviews the bankruptcy court's legal conclusions de novo and its factual findings for clear error. See, e.g., In re Yerian, 927 F.3d 122, 1227 (11th Cir. 2019) (citation and quotation omitted). The bankruptcy court's decision to retain jurisdiction of an adversary proceeding following dismissal of an underlying bankruptcy case is reviewed for abuse of discretion. In re Morris, 950 F.2d 1531, 1534 (11th Cir. 1992).

Applying these standards, and upon careful consideration of the briefs and record on appeal, the Court concludes that the bankruptcy court committed no errors of law and made no clearly erroneous factual findings. The bankruptcy court did not abuse its discretion when it retained jurisdiction of the adversary proceeding as a matter "related to" the bankruptcy case; plaintiff/appellee Duckworth therefore had standing; and the bankruptcy court's numerous evidentiary and credibility decisions support its Findings of Fact and Conclusions of Law (Doc. 3-239).

Accordingly, it is hereby

**ORDERED:**

The United States Bankruptcy Court's Final Judgment (Doc. 3-242); and its Order denying defendant/appellants' motion for rehearing, and for new trial and denying defendants/appellants' motion to dismiss for lack of jurisdiction and plaintiff/appellee's lack of standing (Doc. 3-253), are **AFFIRMED**. The

Clerk shall close the file.

**DONE AND ORDERED** in Jacksonville, Florida this 26th day of  
August, 2020.



TIMOTHY J. CORRIGAN  
United States District Judge

s.

Copies:

Honorable Jerry A. Funk  
United States Bankruptcy Judge

Counsel of record